

REMARKS/ARGUMENTS

Currently in the case, after amendment, claims 1 - 7 are pending and rejected.

This Amendment responds to the aforementioned Office Action, wherein the claims as originally presented were rejected under Title 35 of United States Code, §§ 112, 102 & 103. The Examiner's remarks have been carefully considered and, in view of the cited art, the claims which have amended to more particularly point out the distinctly claimed what Applicants regard as the subject matter of this present invention, it is sincerely believed that the claims which remain in the instant case patentably distinguish over all the prior art references. It is respectfully requested that this Application be re-examined in view of the following remarks, that the rejections be withdrawn, and that allowable subject matter be identified.

The points raised by the Examiner in the written office action will be responded to in the order they were discussed by the Examiner in the Office Action.

In paragraphs on page two, under Specification and Claim rejections the term "free standing" has been removed from the claims. It should be emphasized here and throughout that no reference has any relationship operating through a hinge. Therefore, the claims as amended are believed to overcome the objection to the Specification and Claim.

Next, the Examiner rejected claims 1, 3, & 7 under 35 U.S.C. § 102 over U.S. Patent 6,782,577 to Reiber et al, entitled KNOCK-DOWN QUARTER PIPE FOR SKATEBOARDERS, BIKERS AND IN-LINE SKATERS". The Reiber patent discloses a structure which uses CURVED INSERTS 82 to accommodate a rail 24 (see Figure 4). The insert 82 is accommodated by a notch 52 but in fact rests against a vertical portion of the deck 16. The base of the ramp is held by a lower triangular member. If the main deck 16 moves rearwardly, the inserts 82 would simply move down on the vertical abuttin part of the deck 16. Note that the base has a tank 94 to hold weighting down water. If the base of the tank 94 ever slid forward, the insert 82 would move out of its bearing relationship against the deck 16 and fall down.

As a result, the structure in the Rieber reference IS NOT A HINGE. As can be seen in Figure 4, if the reamp portion were moved straight down and the deck 16 were moved straight up, they would become disengaged. Member 82 has a completely vertical profile at its upper end in Figure 4. The equivalent configuration for Figure 4 would includ a square rail 24 and an insertion member having a right angle table fit around the square rail.

Further, if the intersecting members were squarely fit, it would provide more stability. As such, the Rieber structure (see Fig 4a) teaches that downward pressure from the deck 16 and

upward pressure on the ramp would cause disengagement (as seen in Figure 4). The Rieber structure is extremely different from and teaches away from the claimed structure.

Claim 1 has a limitation that "a curved ramp member hingeably connected to said curved rail to form a load bearing angular relationship with opening hinge movement limited in one direction. The opening motion is a motion where the ramp moves away from or increases its angular relationship with the deck 16. As such, even if the structure of Rieber were a hinge (WHICH IT IS NOT) such movement will simply allow the two members to fall apart. Further, placing the two members in anything but a compressive relationship where the angle between them is attempted to be lessened, would allow them to fall apart.

In reality, the Riber device has a base supported ramp which "leans" precariously on a platform. It is suspected that this is unsafe, and it has been suggested that the Riber design is off the market (perhaps because of this condition).

As a result, NONE of the references cited in this or earlier office actions would cause rejection of claim 1 either under a § 102 or a § 103 standard. Rieber does not have a load bearing relationship in an opening hinge movement relationship. As a result, claim 1 is believed to be in condition for allowance.

Claim 3 adds the limitation of the ramp being in sections extending serially away from the rail. Nothing in any cited art

reference includes this limitation.

Claim 7 includes the angling away of the leg. Given the hinge nature of the ramp-rail connection, the angling of the leg prevents the structure from overturning. Were it not for the hinge action, some of the counter lateral force would come from the weight of the ramp. As such, the limitation is not taught nor seen in the cited references since other factors and methods of construction are present. The angling of the leg makes no sense in Rieber as the ramp in Rieber is simply leaning against the platform. Rieber's biggest problem is platform sliding, and an angled leg will not affect this as much. The angled leg of applicant's claimed invention helps by putting more hinge open force on the main hinge at the rail and increases the stability.

Claim 2 was rejected on page 4 of the action as unpatentable under 35 U.S.C. § 103 over Rieber. The ramp curvature is not simply a matter of design choice, particularly given the fixed angular relationship and free standing nature of claim 1. Therefore, claim 2 is believed to be in condition for allowance both because of the allowability of claim 1, and in its own right as having a constant angular radius.

Overall

It should be noted that curved inserts do not a hinge make. The hinge design of applicant enables a high tension stress to yield a very stable overall structure. In terms of performance

and stability it is outstanding. Think of the stability of an inverted bowl on the ground. It is self-enhancing and very stable. It resists pressure from above and laterally. Other designs are like a box. If you push a box, it moves. If you press down on a box it stresses and deforms. By "pre-loading" a device with high compressive stress and creating a davit-like, forward and aft supported structure, the result is an inherent stability not seen in other ramps.

As a result, it is believed that the claims which remain in the case 1-7 are in condition for allowance.

The Examiner is invited to telephone Applicant's Attorney at the number below between the hours of 1:00 p.m. and 6:00 p.m. Eastern Standard Time, if such will advance this case.

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